cruing thereafter. *Held*, that he will be restrained from entering for the breach in question, but that the condition is still in force as to subsequent breaches. *Beckenbach* v. *Harlow*, 31 Oh. C. C. 496. See NOTES, p. 630.

LIBEL AND SLANDER — PRIVILEGED COMMUNICATIONS — IRRELEVANT STATEMENTS IN PLEADINGS. — In a former action, the present defendant, in his pleadings, made false and defamatory statements concerning the present plaintiff. The latter had no connection with the suit, and the statements were irrelevant. *Held*, that the privilege is destroyed by the irrelevancy. *Potter* v. *Troy*, 175 Fed. 128 (Circ. Ct., S. D. N. Y.).

The prevailing view in the United States is that all statements made by the parties in their pleadings, if relevant to the matters in issue, are absolutely privileged. *Gaines* v. *Ætna Ins. Co.*, 20 Ky. L. Rep. 886. This is true even if they are directed against third parties not connected with the suit. *Crockett* v. *McLanahan*, 109 Tenn. 517. See 16 HARV. L. REV. 603. But if the statements are irrelevant, there is no privilege. *Harlow* v. *Carroll*, 6 App. Cas. (D. C.) 128. See *Hoar* v. *Wood*, 3 Met. (Mass.) 193. In determining what is relevant, the courts are not technical, and if the defendant might reasonably have believed that the allegations would be subject to inquiry during the trial, he is not liable. See *Union Mut. Life Ins. Co.* v. *Thomas*, 83 Fed. 803. On the other hand, the English courts have held that all statements made in the course of judicial proceedings are absolutely privileged, even if immaterial. *Astley* v. *Younge*, 2 Burr. 807; *Seaman* v. *Netherclift*, 1 C. P. D. 540. Parties must frequently allege facts which may be libelous, and England has adopted this rule to assure free access to the courts. See *Kennedy* v. *Hilliard*, 10 Ir. C. L. 195. But such a restriction as American courts have placed on malignant parties cannot hinder the administration of justice.

MANDAMUS — PERSONS SUBJECT TO MANDAMUS — SENATORS AND MEMBERS OF CONGRESS. — The plaintiff instituted proceedings for a mandamus against the several members of the United States Senate and House of Representatives comprising the Joint Committee on Printing of Congress, to compel the acceptance of a bid submitted by him. *Held*, that the court has jurisdiction to hear and determine the controversy. *Valley Paper Co.* v. *Smoot et al.*, 38 Wash. L. R. 170 (D. C., Sup. Ct., Feb. 28, 1910). See NOTES, p. 633.

MUNICIPAL CORPORATIONS — NUISANCES — CITY'S RIGHT TO MAINTAIN BILL IN EQUITY TO ENJOIN A NUISANCE. — A municipality was authorized by its charter to determine what constitute public nuisances and to prevent, restrain, remove, and abate the same. Without passing any ordinance relating to smoke nuisances, the city brought a bill in equity to enjoin the maintenance by the defendant of such a nuisance. No damage to municipal property was shown. *Held*, that the city cannot maintain the action. *City of Yonkers* v. *Federal Sugar Refining Co.*, 121 N. Y. Supp. 494 (Sup. Ct. App. Div.).

A municipal corporation like a private corporation may always bring a bill in equity to enjoin a nuisance which peculiarly affects the corporate property. *Coast Company* v. *Spring Lake*, 56 N. J. Eq. 615. The right to regulate and abate public nuisances is, however, dependent upon power delegated by the state. Whether a general delegation of police power to declare and abate nuisances carries with it a power to bring a bill in equity in the interest of the public is a question upon which the authorities are apparently in conflict. *City of Huron* v. *Bank of Volga*, 8 S. D. 449. *Contra*, *Dover* v. *The Portsmouth Bridge*, 17 N. H. 200, 215. But all the cases in which such bills have been refused seem to have concerned nuisances arising from sources outside the city's jurisdiction or respecting which no ordinance had been passed. *Township of Belleville* v. *Orange*, 70 N. J. Eq. 244; *City of Ottumwa* v. *Chinn*, 75 Ia. 405. And most of